



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 150
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/816,290

04/01/2004

Raymond S. Burns

burnsr01.002

8567

25247

7590

10/23/2006

GORDON E NELSON
PATENT ATTORNEY, PC
57 CENTRAL ST
PO BOX 782
ROWLEY, MA 01969

EXAMINER

HO, BINH VAN

ART UNIT

PAPER NUMBER

2163

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/816,290

Applicant(s)

BURNS ET AL.

Examiner

Binh V. Ho

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 01/25/2006.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 6, and 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 6, and 18 are rejected because "log derived" finds no support in the specification.

Claim 9 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 9 is rejected because "the data storage device contains code for a program" finds no support in the specification.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2163

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-4, 6-8, 10-11, 13-15, and 17-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Jordan (US 20030182382).

(Claims 1, 10, and 17)

Jordan discloses in figures 1-7, a method whereby a first processor interacting with a second processor via a network, the method comprising the steps performed in the second processor of receiving a first message from the first processor; responding thereto by fetching user profile information via the network from a remote database that is remote from the second processor; and interacting further with the first processor as permitted by the fetched user profile information (Paragraph [0002], [0005]-[0008], [0018], [0022], [0027], [0034], [0039], and [0040]).

(Claims 2-4, 11)

Jordan discloses in figures 6-7, the user profile information being associated with the first processor and the second processor in the remote database (Paragraph [0022], [0034]-[0036], [0038]-[0040]).

(Claim 6, and 18)

Jordan discloses in figures 3-7, the method further comprises the step of sending a log derived from the interaction between the first and second processors to the remote database.

(Claims 7-8, and 14-15)

Jordan discloses in figures 1-2, the network by which the first and second processors interacting includes a wireless component (Paragraph [0002], [0018]).

(Claim 13)

Jordan discloses in figures 6-7, the fetched user profile information determines a user interface by which a user of the first processor interacts the second processor (Paragraph [0006]-[0008], [0022], [0031], [0035], [0037], and [0038]).

4. Claims 1, 10, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Maddox (US 20050182650).

(Claims 1, 10, and 17)

Maddox discloses in figures 1-7, a method whereby a first processor interacting with a second processor via a network, the method comprising the steps performed in the second processor of receiving a first message from the first processor; responding thereto by fetching user profile information via the network from a remote database that is remote from the second processor; and interacting further with the first processor as permitted by the fetched user profile information (Paragraph [0011], [0027], [0030], [0074], [0087], [0093], [0112], and [0151]).

5. Claims 1, 9-10, 16-17 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Rosselot (US 20030103075).

(Claims 1, 10, and 17)

Rosselot discloses in figures 1, 2, and 19, a method whereby a first processor interacting with a second processor via a network, the method comprising the steps

Art Unit: 2163

performed in the second processor of receiving a first message from the first processor; responding thereto by fetching user profile information via the network from a remote database that is remote from the second processor; and interacting further with the first processor as permitted by the fetched user profile information (Paragraph [0026], [0027], [0054], and [0057]).

(Claims 9, 16, and 19)

Rosselot discloses, the data storage device being characterized in that: the data storage device contains code for a program which, when executed on a processor (Paragraph [0048]).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, and 12 are rejected under 35 U.S.C. 103(a) as being anticipated by Mohammed (US2005/0289226).

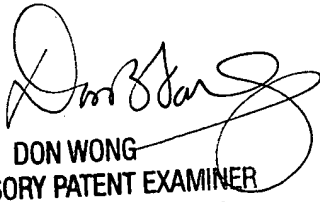
Jordan discloses substantially all of the elements, except the notification to the first processor. Mohammed teaches the users (computer) receive a notification. It would have been obvious to one having ordinary skill in the art at the time invention was made to send the notification to alert the users that their request have been received.

Inquiry

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh V. Ho whose telephone number is 571 272 8583. The examiner can normally be reached on M-F from 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don K. Wong can be reached on 571 272 1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


DON WONG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Binh V Ho
Examiner
Art Unit 2163